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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,189	08/30/2001	David L. Morris	P-7764.006	8496
7590	10/05/2004		EXAMINER	
David Morris 717 W. French Place Suite 1 San Antonio, TX 78212				ROGERS, DAVID A
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. The protest filed on or about 24 September 2004, under 37 C.F.R.

§1.291, was not proper. 37 CFR 1.291 states, in part:

(a) Protests by a member of the public against pending applications will be referred to the examiner having charge of the subject matter involved. A protest specifically identifying the application to which the protest is directed will be entered in the application file if:

- (1) The protest is submitted prior to the date the application was published or the mailing of a notice of allowance under §1.311, whichever occurs first; and
- (2) The protest is either served upon the applicant in accordance with §1.248, or filed with the Office in duplicate in the event service is not possible.

In this case the protest was filed after the 04 July 2002 publication date of the application.

2. Because the protest was filed after the application' publication date it is untimely and is not being entered into the application. The original protest is not attached as part of this response as it was properly served to the applicant at 717 West French Place, Suite 1, San Antonio, TX 78212, which is the current mailing address for all correspondence for the application. If appropriate, the applicant may wish to consider submitting pertinent information raised in the protest and pursuant to 37 CFR §1.97 and 37 C.F.R. §1.56. The applicant is again advised to seek counsel for this and other matters that are pending before the USPTO on this application.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Rogers whose telephone

number is (571) 272-2205. The examiner can normally be reached on Monday - Friday (0730 - 1600).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dar
30 September 2004

Hezron E. Williams
HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800